



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, FRIDAY, APRIL 24, 1998

No. 47

## Senate

S3565

### FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT

Mr. BIDEN. Mr. President, there is not much that my colleague from North Carolina, the chairman of the committee, has said that I take issue with. Sitting with my staff here, as I was waiting to speak, I said, 'I have this long statement that is prepared that goes into detail about the bill. The truth of the matter is, the debate here is almost not about the bill, not about the conference report.'

I can and I guess I will at some point do what I probably shouldn't do and that is second-guess what the rationale and motivation of the House leadership is and what the rationale and motivation of the President and administration is relative to the one thing that doesn't have a darn thing to do with what the Senator and I worked so hard to put together--and, I might add, the Presiding Officer, as well is a member of the committee. He will remember we spent a lot of time on this--a lot of time.

There has been talk, led by my friend from North Carolina, about reorganizing the State Department for the past several years. Nothing ever really happened. There was a lot of work, don't get me wrong, but in terms of producing something that would become law, nothing ever happened.

We have been debating and talking about U.N. arrearages. We have really been debating the U.N. arrearages, or whether or not it was a reasonable, functional, useful organization. That has been a raging debate probably since the mid-1980s. It has been around for a long time but, in terms of the political

chemistry on this floor of the U.S. Senate, for the last probably 10 to 12 years in earnest. As a matter of fact, I think my friend from North Carolina would acknowledge with me that in both our political parties it has taken on, in the fringes of our parties, a status that far exceeds anything about what the United Nations does or doesn't do. On one end of my party it is the salvation of the world, and on the other end of the Senator's party it is the Devil incarnate. It has kind of replaced the fervor that involved the debate for and against communism. It is a new thing, a new political dynamic.

We worked very hard and we actually came up with a resolution. I respectfully suggest that what we did--and we made serious compromises--the Senator from North Carolina did not come to this conclusion gently, nor did the Senator from Delaware in terms of the compromise relative to what we did in the United Nations here. But the vast majority of the people who are informed on this issue, both in politics and in the foreign policy establishment and in the world community, acknowledge that what we did is a reasonable, straightforward and, I think, significant piece of work.

I don't want to get my friend from North Carolina in trouble. I think the most significant thing about it is the Senator from North Carolina signed on to this. That puts in perspective not only the arrearages but what he has wanted to do to get the United Nations to change its tune a little bit. Hopefully, we will not be arguing another decade about whether or not it is a

salvation of the world or the Devil incarnate. We will have a pretty clear-eyed view of what we expect of the United Nations and what we think its value is. That is a very valuable contribution all by itself, in my opinion.

The third thing we did here, and I am sure my friend will not mind my saying this because we both said it publicly in different iterations over the last year or so--when I inherited this job from the distinguished Senator from Rhode Island, who retired, I went to see the chairman. We came here together, same year, same time. We have been friends; we have been ideological foes. We have been on the opposite sides on issues, and we have been together. We have been hanging out with each other for 25 years. I went to him and I said--which is, I guess, uncharacteristically blunt for me--'We can play this flat or we can play this round, Mr. Chairman; how do you want to do this?' He came back and said, 'Joe, what are your priorities? What is important to you? This is what is important to me. Let's agree with what we can, and fight it out where we cannot agree.' He has

kept his word in everything he said to me. I said, 'It is important to me, with the end of the cold war, the Berlin wall down, that we do not cut back our foreign policy establishment.' As we are cutting back our defense establishment I think as far as we should cut it back, cutting back our defense establishment, there is a need for us to extend our foreign policy reach and establishment, whether it means embassies or consulates or enough personnel or intense involvement in other countries. He said, 'It is not my intention in reorganization to emasculate the foreign policy,' the 150 function, as we call it in budget parlance.

So the third piece of this deal here is the State Department has been trying to get full funding for all its operations for years. And it is in here. Now there are reorganization provisions. The President agreed to the reorganization, and we put the structure of it into this bill. The Administration didn't like some of it. But the Senator and I agreed it was necessary. And in return we got a pretty balanced package here.

Now, so far, so good, as they say. The Senator, I think, is fond of telling the joke about the guy who jumps off the 100-story building and as he passes the 50th floor a group of people are standing at a window and yell out, 'How is it going?' And the guy falling down says, 'So far, so good.' That is how I felt about this whole operation. I am feeling real good. We just haven't hit the ground yet. Everything we have done I am, quite frankly, proud of.

I think we have made what has to happen. In a democracy of 250 million people, we make compromises. But the end result is, I think this conference report strengthens the foreign policy and the ability to conduct foreign policy and the security of the United States of America.

Now, that is the so-far-so-good part. We both knew, the chairman and I, that the President wanted fast track, something he feels very strongly about. He probably could have saved fast track if he were willing to compromise on Mexico City, although that wasn't attached. I understand at the end of the day there were some in the House who said, if you attach this, we will go along with fast track. He didn't do it then. He didn't do it on other things.

By the way, I have to say for the Record, because I want to be straight up about this, my colleagues know this, but so that everybody understands how I approach this, the abortion issue is not one that I live and die on. I think government should stay out of the business. I vote against funding of abortion and I vote against restrictions on a woman's right to an abortion, which makes

everyone angry with me. The only person happy with me is me, in my conscience. But this for me is not on the list of the 10 most

important issues facing America. It doesn't make that list for me. I must admit I do not have the passion for or against what is being debated in here to think it is warranted or worthy of being attached to what I consider to be a serious array of foreign policy considerations affecting this Nation.

On the other hand, the Senator from North Carolina

does. It is a matter of great passion and commitment to him. His opposition to abortion from the day we arrived on this floor of the U.S. Senate and I first became acquainted with him to today has not waned a bit. I respect him for that. I disagree with his approach--at least most of it. I vote against funding, so that part we agree on, but I disagree with his approach. But I respect it, as I do people like my friend Senator Barbara Boxer and others who vehemently feel the other way on both funding and access.

The reason I bother to tell you that, Mr. President, is this. It took nothing on my part, I had to make no compromise to say to our House friends and to our friends in the Senate, we want to keep Mexico City off of this; but it did take some real sacrifice on the part of my friend from North Carolina to say, as he did last year, look, keep this off. There are other vehicles. We can fight this out other places. Don't confuse it with this historic undertaking. We have, I think, accomplished, in at least what we passed out of the Senate--I will be straight up with everybody. We hung tough on that. The truth of the matter was neither one of us were able to affect the House's attitude toward this. The one thing I think we share a lot in common, the one thing the chairman and I share in common is we are realists. We have been here for 25 years; we know how this place works.

This is not something that--not because we are so smart, you would have to be an idiot to be here 25 years and not know how it works--speaking for myself. It is pretty clear that once we could not control what would happen in the House and what Representative Smith--who, I might add, I suspect, although he knows a lot about the issue, knows a lot less about the issue than my friend from North Carolina. My friend from North Carolina was dealing with this issue before a lot of other people knew it existed. It became clear that we could not do much about it.

Although the chairman and I still disagree on a number of things, one thing we have established--and I am proud of it, and I think he

is too--is that we are absolutely straight with each other. So he came to me and said, 'Look, Joe, this is in. They are going to compromise on this, but it's going to be in. So my position now, Joe, is it's in, so let's pass the whole thing.' I tried my best and kept my promise, I stuck with my commitment, but I told him, 'If it's in, I am going to have a problem sticking with the deal--that is, pushing this through.'

Let me tell you why. It has less to do with the merits of the argument relating to Mexico City than it does if we pass it here with this attached, even though the President will veto it. I am going to be completely blunt about this. If we pass this, my worry is that it will embolden the 'Congressmen Smiths' and others to suggest that they can keep doing this on everything that comes over here. I want to tell my friend straight up, that is my rationale.

I am of the view--and this is like reading the entrails of goats and guessing like the soothsayers did 2,000 years ago what is going to motivate Members of the House or an administration to act or not act. My feeling is, since the Senate has not passed this Mexico City language in the past, and there is a majority that votes against Mexico City language--and this is purely presumptuous on my part--if Speaker Gingrich, keeping his commitment to his people, put it in, he realizes and is able to say, the Senate will not pass this, the President will not veto it, let's move on; we have a better chance of getting to the spot we want to get to--the Senator and I--which is to clear up the U.N. arrearages, reorganize the State Department, and fully fund the State Department.

So I guess what I am saying is, the only place we disagree is tactically what is the better thing to do to get what we both want, notwithstanding that we disagree on Mexico City. I vote against Mexico City restrictions; the Senator votes for them. But I don't think that is what is motivating either one of us here at this moment. To speak for myself, that is not what is motivating me at the moment. What motivates me at the moment is, what do I tell my colleagues on my side of the aisle, a fair number of whom listen to me on these issues--and that is presumptuous to say, but

it is just because I am the ranking member. What do I tell them is the most likely route for us, at the end of the day, to be able to get the State Department reorganized, get the U.N. arrearages paid, and funding for the State Department through the supplemental?

The conclusion I have reached--and I would not bet college tuition on it for my daughter--is to stand firm, demonstrate there are not enough votes here to pass Mexico City, with the knowledge the President is going to veto it and the pressure is to get on with the business of foreign policy. I

could be wrong about that.

One way or another, I think it is fair to say that at least the Senator and I know--from different perspectives--that isn't going to become law. The President is going to veto this with this language attached. I could--and I am inclined to, because I am proud of it--spend a great deal of time talking about the merits of each of the pieces of this conference report. I will refrain from that, because I would be preaching to the choir. I am preaching to the author here. It is not like I am going to say anything he doesn't know.

I can put in the Record the details of what constitutes what we have accomplished and what is in the conference report. In many respects, the conference reported back a better bill than we put out. In many ways, it has been a better bill. But time is our enemy. Time is our enemy.

I must again be completely blunt with my colleagues. At one point, I counseled that we not even debate this, let's vote, get it over with, and send it to the President and let it be vetoed. I believe the more time we take to deal with the U.N., the more difficult and intransigent the U.N. becomes, the harder it is for Ambassador Richardson to take what we have given him and get the results we want, the harder it is for us to unravel a State Department that needs unraveling, in terms of reorganization. Time is not our friend.

I read on the way down this morning on the train--I commute every day from my home State of Delaware. I have a little ritual, and my friend knows about this. I read my local paper because of its interest and out of self-defense, I read the New York Times, and I read the Wall Street Journal, and that gets me to Baltimore. From Baltimore on, I prepare whatever I am going to do that morning. So commuting 4 hours a day isn't all bad, because you have a lot of time to prepare.

On the way down, I read in the New York Times this morning's lead article about the IMF. It is pretty clearly unrelated to this issue but tangentially involved with the issue of Mexico City. But it looks like IMF isn't going to go anywhere. I will not put this in the Record. I don't often put in news articles. But this is on page 9 of the New York Times, entitled, 'GOP Snubs White House on Billions for IMF.'

Well, there are only three or four major foreign policy considerations on our plate right now. NATO is a big one, and the Senator and I will deal with this come Tuesday. Then there is IMF, the U.N., and reorganization of the State Department. It seems to me--and I do not in any way--and I give my friend my word on this--direct any of this at him or to anyone in particular. It seems a shame that three of those four major issues get tied up in what is in fact a divisive and, understandably, national debate relating to abortion.

Sometimes I wish we had the House rules, which say that whatever you do has to be germane. But then I am not so sure, because I realize they can get the Rules Committee to do anything they want. But it is too bad we can't say that we are going to debate foreign policy and settle it, that we are going to fight out abortion, and that we will fight out education, and so forth. I understand the practical reasons why that is not the case, but the truth is that it creates real problems.

The one and only place--and I will cease after this--where I disagree with my friend from North Carolina, the chairman of the full committee, is on this issue of whether or not there has in fact been a compromise that has been put forward by the House

leadership on the issue of Mexico City. It has been stated--and this is the only place I disagree with my friend--that the House anti-abortion forces, led by Smith of New Jersey and Gingrich, the Speaker, compromised on 90 percent of what the Mexico City language is. In truth, I think that is illusory. I don't think there is any compromise.

Let me for the record, for those who are going to make difficult decisions here on how to vote--I am going to vote no on this bill. The reason I am going to vote no on this bill is because I am opposed to Mexico City. That is true. But that is not the main reason I am going to vote no. To be honest with you, were I President of the United States, I would have a harder time deciding whether to veto this or not because I care so much about the three provisions. Arguably, someone could say why not swallow on another provision that you strongly disagree with, but in comparative weight, in terms of how it affects the national interest, arguably you should go ahead and not veto. But I am not President. I am a U.S. Senator. As a U.S. Senator, I am obliged to explain my rationale for why I am going to vote against this. I am reiterating what I said at the outset. I think if we vote no in this body, whether you are for or against Mexico City, we, quite frankly, take the House leadership off of a bit of a dilemma. I believe in my heart that much of the House leadership would rather this not have been in this bill. They know how important this is, even though I am not questioning their support for the Mexico City language.

It is a little bit like my saying I feel very, very strongly about tobacco companies being able to target advertising to children--very strongly. I think they have been outrageous in what they have done. Should I attach that tobacco language to this foreign policy bill? Would that be appropriate no matter how strongly I feel about it? Should I say I am not going to fund the United Nations arrearages, I am not going to reorganize the State Department, I am not going to fund the State Department, and, by the way, although it is not in this bill, I am not going to replenish the International Monetary Fund even though there is an economic crisis in Asia that could still spill over to

the United States? And the single most significant thing we could do to stop that from happening is regenerate confidence to the degree that everyone knows there is enough money in the IMF to help these countries get back on their feet.

Should I say because of my feeling about tobacco advertising that I am ready to scuttle all three of those? I think that is inappropriate.

I think the House leadership--I could be wrong, but I think the majority of the House thinks it is inappropriate. It does not matter. A minority in the House, as has occurred in the Senate, with Democrats as well as Republicans, on other issues, both of us have attacked it. I think the strongest message we could send is to stop it. The Senate is not going to accept it. The President clearly will not accept it, because then I think the leadership on the other side will say, 'Look, minority within our minority. I know this is important to you. I kept my commitment to you. We tried it. Now let's get down to the business of the Nation.'

I could be wrong about that. But that is why Joe Biden is voting against the thing that he, at least 49 percent, was responsible for creating, this bill, along with the 51 percent of my friends, including the Senator from North Carolina. I cannot think of anything other than the crime bill that I put as much time into than this. This is a little bit like sacrificing your child. I put a lot of time and energy, and my staff put in hundreds of hours, as has the chairman's staff. I am proud of our product. But I know the President is going to veto this. What is going to embolden the Chris Smiths of the world to continue to throw a monkey wrench into the foreign policy of this Nation?

My point to my colleagues on my side of the aisle is to vote no. That, coupled with the President being against it, maybe will allow us to get down to the regular business of the Senate again. But I could be wrong.

Again, this is a tactical judgment, from my standpoint, on how we get on with conducting the foreign policy

of this Nation and taking on our responsibilities in the U.S. Senate to do that.

But having said that, let me make sure everybody understands

what Mexico City is. You say to people out there, `Well, this is about Mexico City. Well, is it about smog? What do you mean Mexico City? What is this about? Corruption? Drugs? No. It is about Mexico City.

Mexico City is a consequence of a reference to a meeting which took place on population planning back in 1984 where a whole bunch of nations got together under the auspices of the U.N. They were going to meet in Mexico City and decide how they should deal with the notion of population planning. The Reagan administration announced administratively a new policy on international population assistance, which was a change in what the U.S. Government policy had been as it related to assisting organizations involved in population planning in other countries. Let me make a very important distinction. Even I had to go back and read this. This is not about involving any restrictions on governmental agencies. Money we send to the Mexican Government, the Mexican Government can use in population planning funds--if we send them any--any way they want with one restriction, and it is the Helms law. Senator Helms--and I supported it--argued that we should not be sending taxpayer dollars to other countries in the form of foreign aid if those other countries, or private organizations within those countries, are going to take our taxpayer dollars and perform abortions--in the case of China, coerced abortions, where the Chinese Government has coerced people into having abortions, forced abortions, to maintain this one-child policy, one child per family. So it became law. It is still law. Under the Helms amendment, taxpayer dollars collected and sent overseas, in what most people would refer to as foreign aid, cannot be used to perform or to coerce abortions. That is the law.

Mexico City is in addition to that. Mexico City says--I

caution my staff to correct me if I make even any nuance mistake about this because it is important--Mexico City comes along and it does two things. It says when the United States, by whatever mechanism, sends American taxpayer dollars to nongovernmental organizations instead of to the comparable Department of Health and Social Services in Mexico--for example, they have a comparable agency in their Federal Government like we have in ours--sending funds to them, it gets treated one way. Sending funds to, say, Mexico City Planned Parenthood, not a U.S. corporation, not a U.S. entity, but a Mexican entity, or any other country, in Argentina, in China, in Vietnam, the Mexico City directive of President Reagan said not only can they not use their funds because the Helms amendment blocks use of any taxpayer dollars--OK? Not only the government, but to these private agencies. The add-on that President Reagan, through Executive order, laid out was the following. It said not only can they not use our funds, the money we send, say, to Planned Parenthood Mexico, they cannot use their funds--let me get this straight for everybody. Right now, if we sent, through a population control program, money to Planned Parenthood Mexico, Planned Parenthood Vietnam, Planned Parenthood--I don't know that they have one but assume they do--and we sent money to the Government of Vietnam, the Government of Mexico, the government of another country, as well for population control under our law, if we find out they, either the private agency, or the government, is using that money to perform abortions, then it is against Federal law. We stop doing it. It is the Helms amendment. It cannot be done.

OK. That is the law. That is not in question here. That is the law now, and it will stay the law. But this is a different deal. Former President Reagan said not only do we want to stop that; we want to stop these nongovernmental agencies from using their own money. So now Planned Parenthood in Mexico gets a dollar of U.S. taxpayers' money; they can't use that dollar to perform abortions. They can't use that dollar to go out there and be promoting those abortions. OK.

But now let's say they have a fundraiser in Mexico City, and all Mexican citizens show up and they contribute \$2. So they have \$3 to spend now, two of their own that they raised that has nothing to do with taxpayers' dollars and one that is the American taxpayers' dollar. Mexico City says they can't even use their own dollars, their own money to do either of two things: One, to perform abortions or, two, to lobby their own Government on anything relating to abortion.

Now, the irony here is if they were the Right to Life Committee in Mexico City, they also could not lobby with their own money their Government to end abortions. It is a gag rule. We are saying what we can't say to their Government--even Mr. Smith and others have not tried to say--any money we send to the Mexican Government to control population can't be used to perform abortions, and if they take any of our money they can't use any of their own money to do anything relating to abortion. We don't say that. We know we can't tell another Government they can't use their own tax dollars, but we feel we can tell a nongovernment agency, these NGOs they talk about, nongovernment organizations, we think we can tell them what they can do not only with the money we send them but with their own money.

That is the objection this President has. By the way, we went through a similar debate here in the United States on the so-called gag rule. It would be unconstitutional. We could not say to local Planned Parenthood in Duluth, MN, 'You are getting some Federal funding; you can't use the Federal money. . . .' We can say that. But we could not then say, 'With your money, you can't even tell anybody who comes in to see you about the options that are available.' We can't say to a local doctor in the United States of America, 'Look, we can pass a law saying you cannot perform an abortion with taxpayer dollars'--we could do that, but under our first amendment we could not say to the doctor or clinic, using their own funds, you cannot counsel the patient, 'By the way, there are four ways to deal with your problem. One of them is . . .' We can't do that.

That is what we call the gag rule. But we are going to gag the world. We are going to tell the world, if you are involved with us in any way, you not only in accepting our dollars cannot use our dollars, you can't use your own dollars. The President and a vast majority of my colleagues feel very strongly--I admit they feel more strongly than I do--about that as a matter of principle.

So what is this fight about? Where did the compromise come in? What did the House do to make this Mexico City language more palatable or reflect what is called a compromise by my friend from North Carolina? Well, the compromise contained in this report would put Mexico City into place, make it law--it is not law now, but it was an Executive order, by the way, from President Bush and President Reagan, and eliminated by President Clinton. This would now put into legislation Mexico City language. But here is what the language said. It would permit the President to waive the restriction on U.S. funds to a group that used its own money to perform abortions. Hardly any of these groups do that. So it is really not giving up much, and it would require the President to say, you can use your own money to perform an abortion.

That is allegedly the compromise. But let's look at what it leaves in place. And by the way, there would be a small financial cost in doing so. Population funds would then be limited to \$356 million in that year as opposed to \$385 million if he exercised this waiver. That is the penalty the President would pay to waive.

But there is no waiver authority on the provision which is referred to as the lobbying restriction. And this is the more important provision because (a) few of the organizations that receive population funds actually perform abortions, and (b) from the administration's viewpoint, the principle worth upholding is one embodied in the first amendment of our Constitution, and that is this provision restricts free debate.

In fact, the reason the restriction applies only to foreign organizations and not domestic organizations

is that it wouldn't be permitted under our Constitution under the first amendment if we tried to apply this language to an American nongovernmental organization. It would be unconstitutional.

Now, the statement of the managers in the conference report elaborates on the definition of lobbying and makes it clear that the provision is in fact designed to restrict speech. What are we doing now? We are telling them they can't use their own money to speak to their own Government, not our Government, not our money, can't use their own money to speak to their own Government about the issue of procreation.

Let me read the managers' statement, fancy term for saying what is contained in the attachment to this legislation. This is relating to what constitutes lobbying. 'Such practices include not only overt lobbying for such changes but also such other activities as sponsoring rather than merely attending conferences and workshops on the alleged defects of the abortion laws as well as drafting and distributing of materials or public statements calling attention to defects in the country's abortion laws.'

That is pretty broad. That is the problem the administration has. This is so far-reaching in terms of what it does as it relates to speech that as a matter of principle they have made no bones about it; 3 days after they came into office they scrapped this language. It is now being forced down their throat if they want to be able to conduct the foreign policy of the United States of America.

So my disagreement with my friend from North Carolina relates only to whether or not this is really a compromise. None of the language is changed. Only the ability of the President to waive the first section, not the second section. And by my understanding the managers' definition of what constitutes lobbying is even broader than anyone reasonably would think lobbying is in our country.

Now, I think this is antidemocratic. It is a gag rule. It is inappropriate for us to do this. It interferes in ways

we should not be interfering. And it will have no impact, in my view, on whether there are more or fewer or lesser abortions performed in the United States of America. As a matter of fact, I am of the view--and I am, as I think 99 percent of Americans are, opposed to abortion. No one likes abortion. Even among those who have had one and/or perform them, I don't know anybody who likes abortion. But I think, ironically, Mexico City could cause more abortions to be performed worldwide. If Mexico City's restrictions are reimposed, several population organizations, including the largest in the world, the International Planned Parenthood Federation, will not any longer take any U.S. population control money. They are going to say, 'If the price for us taking your money is we have to not use any of our money ever again, then we don't want your money.' Is that a good idea? What have we accomplished?

I think these restrictions could lead to significant cutbacks in family planning assistance in several countries. Such assistance increasing access--for example, assistance to increase access to contraceptive services, to information related to everything from the rhythm method to the use of condoms to the use of the pill, all those things which are critical in preventing unwanted pregnancies--I think that the lessening of the amount of money available for that, because you know these organizations are not going to accept U.S. money, I think it is going to increase the number of abortions.

I think this is especially so in Eastern Europe and the former Soviet Union, where abortion, under the Communist period, was often the method used for family planning. For example, in Kazakhstan, U.S. assistance to some two dozen clinics, Planned Parenthood-type clinics in Kazakhstan from 1993 to 1994, led to a 41 percent decline in the number of abortions performed in that country.

Did you hear what I just said? When we were engaged in pointing out to the people of Kazakhstan what alternatives they had to deal with unwanted pregnancies other than abortion, and that information was made available, the number of abortions declined



by 41 percent. In Russia, contraceptive use increased from 19 percent to 24 percent in the years 1990 to 1994. During this period, from 1990 to 1994, the number of abortions dropped from 3.6 million performed in Russia to 2.8 million. If, like me, you want to stop

abortions, you had over 800,000 fewer abortions in Russia because we were providing money to train and to make available information to Russian women and men about the use of contraceptives.

But what are these organizations going to do now, when they say, if we give them money, they know they can't even talk to their governments or attend conferences and talk about abortion? They are not going to take the money. In Ukraine, the Ministry of Health reported an 8.6 percent decrease in abortions between January and June of 1996, which it directly attributes to the women's reproductive health program that began in 1995 with U.S. funding. For every 100 abortions performed in the 6 months before, there were 8 fewer performed in the next 6 months. Why? Because of population services. Now, look, I don't mean to, I don't intend to, and I don't pretend to want to engage my friend in a debate on abortion. As I said when he was necessarily off the floor, the only place we disagree as it relates to this conference report is how much of a compromise the House really made. I would argue essentially they made no compromise and allowed the President to waive in one circumstance the Mexico City restriction which is hardly ever used anyway. I think--I know from the administration's perspective and the majority of my colleagues on this side and about 8 or 10 on your side, that it is a larger principle of whether or not we can impose internationally a gag rule that can't be imposed nationally because of our first amendment. Again, I am not arguing the merits of it, but I am arguing that is enough, I think, to doom this conference report.

And I will conclude by saying--and I thank my friend for his indulgence--but I conclude by saying the only other thing we probably disagree on, and only of late, is tactically what is the best way to get what we both want done. I think if the Senate rejects, as well as the President veto's threat exists,

tactically that puts up more of a wall that says, Look, let's deal with foreign policy, not with Mexico City on this; pick another vehicle.

But I want to tell you--and I don't say this to be solicitous--I don't know anyone who is tactically smarter, in terms of Senate procedure, than my friend from North Carolina. We have both been here the same number of years, but I do not have his knowledge and experience relative to the rules. But I think I have almost as much of an instinct about what will motivate or not motivate our colleagues in the House or the Senate.

So, again, we disagree on only two points: One, this is not much of a compromise on Mexico City; two, tactically I am urging my colleagues to vote 'no' to make the point that this is not an easy access, to keep attaching this kind of language. Because it will allow, in my view, the leadership in the House to say, 'Look, if we want to get something done, let's not attach it.'

That is my rationale. We have no disagreement on the legislation. We both made real compromises on the core of this. I think we both, on both our parts--it is presumptuous of me to say this and self-serving for me to say this--but think we did a good job. I think we worked the way one of the major newspapers in America said the way the committee is supposed to work. We actually heard the facts, debated it, fought it out, resolved it, and did what was reasonable in the outcome.

So I say to my friend, I don't know where this will all lead except I am confident, either because of action on this floor or by the President, this conference report is not going to become law and we are going to have to go at this again. But I fear, as he does, time is awasting. It is harder each time to put Humpty-Dumpty back together again. Time is running out. We are moving into an election year. I do not in any way question his motivation. I do not in any way suggest that I know my tactical judgment is better than his. But I have reached this conclusion--and we talked about this--I have reached this conclusion for the reasons I have stated.

